

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

IN RE:

PETER PAUL MITRANO,

Debtor.

Case No. 2:10-bk-20476

Chapter 13

PETER PAUL MITRANO,

Plaintiff,

v.

Adv. Proc. No. 2:11-ap-02002

UNITED STATES OF AMERICA, et al.,

Defendants.

**RESPONSE OF LEONARD A. MELKA, KAROLYN MELKA,  
AND MELKA MARINE, INC. TO THE REQUEST FOR A DEFAULT**

NOW COME Defendants, Leonard A. Melka, Karolyn Melka, and Melka Marine, Inc.,  
by and through undersigned counsel, and state as follows:

1. That a Motion to Dismiss for Failure to State a Claim on Which Relief May Be Granted was filed with the United States Bankruptcy Court for the Southern District of West Virginia on April 1, 2011, document attached.
2. That document was mailed to Peter Paul Mitrano, No. 72996-083, at the Federal Correctional Institution, Beckley Camp, Post Office Box 350, Beaver, West Virginia, 25813 on April 1, 2011.
3. That pursuant to the Motion, the answer needed to be filed by April 2, 2011.

WHEREFORE, the answer having been timely filed, the Defendants' request that no default be entered.

LEONARD A. MELKA, KAROLYN  
MELKA, and MELKA MARINE, INC.  
By Counsel

/s/ Andrew Nason  
ANDREW S. NASON (WVSB# 2707)  
PEPPER & NASON  
8 Hale Street  
Charleston, WV 25301  
(304) 346-0361

/s/ Daniel M. Press  
Daniel M. Press, VSB 37123  
CHUNG & PRESS, P.C.  
6718 Whittier Ave., Suite 200  
McLean, VA 22101  
(703) 734-3800

*Counsel for Defendants*

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**CERTIFICATE OF SERVICE**

I, Andrew S. Nason, do hereby certify that on April 8, 2011, I served the foregoing *RESPONSE OF LEONARD A. MELKA, KAROLYN MELKA, AND MELKA MARINE, INC. TO THE REQUEST FOR A DEFAULT* upon the following by filing the same with the Clerk of the Court using the CM/ECF system, which will send notifications of such filing to the following:

Helen M. Morris, Chapter 13 Trustee  
[ch13trustee@wvtrustee.org](mailto:ch13trustee@wvtrustee.org)

Debra A. Wertman, Assistant U.S. Trustee  
[Debra.A.Wertman@usdoj.gov](mailto:Debra.A.Wertman@usdoj.gov)

and I hereby certify that I have delivered said document to the following non-CM/ECF participant via first class U.S. Mail addressed as follows:

Peter Paul Mitrano  
No. 72996-083  
Federal Correctional Institution Beckley Camp  
P.O. Box 350  
Beaver, WV 25813

/s/ Andrew Nason  
ANDREW S. NASON